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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,408	01/14/2002	Eric S. Noya		9968

7590

05/13/2003

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EXAMINER

TAKEGUCHI, KATHY K

ART UNIT

PAPER NUMBER

2187

DATE MAILED: 05/13/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# **Interview Summary**

Application No.

10/045,408

Applicant(s)

NOYA ET AL.

Examiner

Kathy Takeguchi

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All participants (applicant, applicant's representative, PTO personnel):

(1) Kathy Takeguchi. (3) \_\_\_\_\_.

(2) Dirk Brinkman (Reg. No. 35,460). (4) \_\_\_\_\_.

Date of Interview: 06 May 2003.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.

If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: \_\_\_\_\_.

Identification of prior art discussed: \_\_\_\_\_.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The applicant notified the examiner that the office action contained an incorrect citation of Hodges in the body of the rejection. Since the applicant notified the office within one month of the mail date of the action, the procedure set forth in MPEP 710.06 will be followed.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

### **DETAILED ACTION**

1. The present Office Action is a Non-Final Action taken in response to examination of Claims 1-18, presented in the application. The following, supplemental Office Action serves the purpose of replacing the Office Action mailed on 3/28/2003. For further details, see the attached Interview Summary sheet.

Applicant is reminded that each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in 37 CFR 1.56.

2. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification, the drawings or the claims.

### ***Claim Objections***

3. Claim 14 is objected to because of the following informality: a typographical error.

In Claim 14 (line 2), "receiving *a* configuration write *commands*" should be changed to "receiving a configuration write *command*". Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Stallmo et al (United States Patent 6,289,398).

As per Claims 1-3, 8-9, 15 and 18:

Stallmo teaches a configurable RAID subsystem (e.g., MCU) comprising block storage devices to store a user data array connected to a user application (e.g., Column 8, line 40 to Column 11, line 57); a configuration array connected to a configuration application (e.g., Column 8, line 40 to Column 11, line 57); and a single block I/O path (e.g., Column 8, lines 31-33) connecting the user data array to the user application and the configuration array to the configuration application. Also, Stallmo teaches the processing of configuration and user access commands via the block I/O path.

As per Claims 4,10, and 16-17:

Stallmo further teaches a configurable RAID subsystem, wherein the user data array contains dynamic identification assigned by the configuration array and the configuration array includes

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static configuration information (e.g., Column 8, line 40 to Column 11, line 57). Additionally, Stallmo teaches a plurality of configuration applications each having an associated application identification assigned by the configuration array (e.g., Column 9, line 65 to Column 15, line 24).

As per Claims 5 and 11:

Stallmo further teaches a configurable RAID subsystem comprising means for assembling and executing a configuration write command in the configuration application (e.g., Figure 8); means for processing the configuration write command in the configuration array (e.g., Columns 16, line 35 to Column 19, line 38); and means for returning status on the processing of the configuration write command to the configuration application via the block I/O path (e.g., “write complete” message).

As per Claims 6 and 12:

Stallmo further teaches a configurable RAID, wherein the configuration application reads a predetermined block of the configuration array application to obtain an associated application identification (e.g., Figure 5).

As per Claims 7 and 13:

Stallmo further teaches a means for assembling, processing, and executing read and write commands along with returning the requested configuration information data structure and status to the application (e.g., Column 11, line 59 to Column 19).

As per Claim 14:

Stallmo further teaches receiving a configuration write command; locking the data structure; processing the configuration write command; unlocking the data structures; and returning the status to the configuration application (e.g., Column 16, lines 52-64).

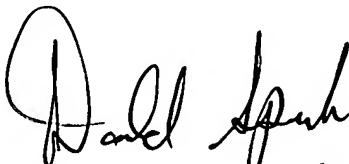
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathy Takeguchi whose telephone number is (703) 305-8115. The examiner can normally be reached on Monday - Friday, 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Do H. Yoo can be reached on (703) 308-4908. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

K.T.  
Kathy Takeguchi  
Art Unit 2187  
May 7, 2003

  
Donald Sparks  
Supervisory Patent Examiner  
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